

REMARKS

Summary of the Office Action

Claims 1-32 are pending in this application.

Claims 1-4, 8-12, 16, 17-20, 24-28, and 32 are rejected under 35 U.S.C. § 102(e) as being anticipated by Knowles et al. U.S. Patent No. 6,505,348 (hereinafter "Knowles").

Claims 5, 13, 21, and 29 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Knowles in view of Alexander et al. U.S. Patent No. 6,177,931 (hereinafter "Alexander").

Claims 6, 7, 14, 15, 22, 23, 30, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Knowles in view of Yamamoto et al. U.S. Patent No. 6,166,778 (hereinafter "Yamamoto").

Summary of Applicants' Reply

Claims 1, 2, 4, 9, 10, and 12 have been amended in order to more particularly define the invention. No new subject matter has been added and the amendments are fully supported and justified by the specification.

Claims 6, 7, 14, 15, and 17-32 have been cancelled without prejudice. At least a portion of the

subject matter of claims 6, 7, 14, and 15 have been incorporated into amended independent claims 1 and 9.

New claims 33-44 have been added. Claims 33-44 are means and machine-readable media claims that correspond to method claims 9-13 and 16. No new subject matter has been added and claims 33-44 are fully supported by the specification.

The Examiner's rejections are respectfully traversed.

Applicants' Reply to the Rejection of the Claims

Claims 1-4, 8-12, 16, 17-20, 24-28, and 32 are rejected under 35 U.S.C. § 102(e) as being anticipated by Knowles. Claims 6, 7, 14, 15, 22, 23, 30, and 31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Knowles in view of Yamamoto. Claims 17-20, 24-28, and 32 have been cancelled without prejudice. Independent claims 1 and 9 have been amended to incorporate the features of dependent claims 6, 7, 14, and 15. Claims 6, 7, 14, and 15 have been cancelled.

Amended independent claims 1 and 9 are directed to a system and a method for providing parental control of television programming for multiple users. Multiple user accounts are supported using an interactive television

application where each of the user accounts has an associated personal identification code. Parental control criteria are set for each of the user accounts using the interactive television application. Television programming that matches at least one of the parental control criteria are blocked. A user is allowed to view blocked television programming by entering a personal identification code for a user account that has associated parental control criteria that permits the user to view the blocked television programming. Blocked television programming that have been viewed based on the personal identification code are tracked. A log that includes information on the blocked television programming that have been viewed and the user accounts associated with the personal identification codes that have been used to view the blocked television programming is displayed.

Applicants submit that because independent claims 1 and 9 have been amended to incorporate the features of dependent claims 6, 7, 14, and 15, the Examiner's rejections with respect to original claims 1 and 9 are moot. Instead, applicants will address the Examiner's rejections with respect to claims 6, 7, 14, and 15.

The Examiner acknowledges that amended independent claims 1 and 9 are novel over Knowles and attempts to use Yamamoto to show applicants' feature of "tracking blocked television programming that has been viewed based on the personal identification code that was entered to view the television programming" (August 15, 2003 Office Action, page 5).

Contrary to the Examiner's contention, applicants submit that Yamamoto fails to show or suggest this feature. Applicants further submit that Yamamoto also fails to show or suggest displaying a log of blocked television programming that has been viewed, where the log includes information on the user accounts that are associated with the personal identification codes that were entered in order to view the blocked television programming as required by applicants' amended claims 1 and 9.

In fact, Yamamoto has nothing to do with logging blocked television programming based on entered personal identification code. Instead, Yamamoto, refers to a broadcast receiving apparatus that allows users to view a program purchase record of paid programs purchased using the apparatus without differentiating the purchases made by different users (see Yamamoto, FIG. 43). A detachable IC card that is encoded with specially designed purchase

procedures is inserted into the broadcast receiving apparatus of Yamamoto to perform the specific tasks of charging purchased programs, storing the history of charge record information, calling a broadcast provider when the quantity of information reaches a specific value, and transmitting the purchase record to the broadcast provider through a telephone circuit (see Yamamoto, column 3, lines 58-63 and column 36, lines 19-28).

Therefore, at least because Yamamoto's detachable IC card is specifically encoded with purchase procedures to perform and record only purchases of paid programs, Yamamoto fails to show or suggest tracking blocked television programming that has been viewed where the blocked television programming may be broadcast programming or other types of programming that do not require purchase.

Moreover, Yamamoto, as mentioned above, does not distinguish paid program purchased by different users of the apparatus. A parent is only able to check "if the charge amount cumulative value is enormous [and thereby guess whether that is] due to purchase of many programs by the child without permission" (column 40, lines 28-30). Thus, Yamamoto also fails to show or suggest displaying a log of blocked television programming that has been viewed, where the log includes information on the user accounts.

that are associated with the personal identification codes that were entered in order to view the blocked television programming as required by applicants' amended claims 1 and 9.

Accordingly, at least because of the above reasons, the combination of Yamamoto and Knowles fails to show or suggest all the features of amended claims 1 and 9.

Applicants respectfully submit that the § 103 rejection must be withdrawn for another independent reason. The Office Action failed to provide sufficient motivation for combining the references to justify the assertion of a § 103 rejection. In re Rouffet, 149 F.3d 1350, 1355 (Fed. Cir. 1998) ("When a rejection depends on a combination of prior art references, there must be some teaching, suggestion, or motivation to combine the references"); see also MPEP § 2142 and 2143.01. It is well-settled that an Office Action can "satisfy this burden only by showing some objective teaching ... that would lead [one of ordinary skill in the art] to combine the relevant teachings of the references." In re Fine, 837 F.2d 1071, 1074 (Fed. Cir. 1988).

The Office Action, instead of providing such an objective teaching, suggestion, or motivation to combine Knowles with Yamamoto, merely concludes that:

[i]t would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the viewing history of paid programs of Yamamoto et al. to the system of Knowles et al. for the purpose of letting the user know the program purchase record and calculate the expense (August 15, 2003 Office Action, page 6).

But such "[b]road conclusory statements regarding the teaching of multiple references, standing alone, are not 'evidence'" of a motivation to combine. In re Dembiczak, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999), abrogated on other grounds by In re Gartside, 53 U.S.P.Q.2d 1769 (Fed. Cir. 2000).

Without objective evidence of a motivation to combine, the obviousness rejection is the "essence of hindsight" reconstruction, the very "syndrome" that the requirement for such evidence is designed to combat, and insufficient as a matter of law. Id. at 1617-1618. For this reason alone the rejection of claims 1 and 9 must be withdrawn. Gambro Lundia AB v. Baxter Healthcare Corp., 52 U.S.P.Q.2d 1378, 1383 (Fed. Cir. 1997).

Because Knowles, Yamamoto, or the combination of Knowles and Yamamoto do not recite each of applicants' claimed limitations, and because the Examiner failed to point to a suggestion or motivation for modifying Knowles with the teachings of Yamamoto, applicants respectfully

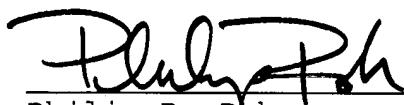
submit that the Examiner has failed to make a *prima facie* case of obviousness (MPEP § 2142).

Accordingly, at least because the above reasons, amended independent claims 1 and 9 are allowable over Yamamoto and Knowles under 35 U.S.C. § 103(a). Claims 2-5, 8, 10-13, and 16 depend from claims 1 and 9 and are likewise allowable over the combination of Yamamoto and Knowles under 35 U.S.C. § 103(a). Claims 33-44 are means and machine-readable media claims that correspond to method claims 9-13 and 16 and are allowable for the same reasons that claims 9-13 and 16 are allowable.

Conclusion

For at least those reasons set forth above,
applicants respectfully submit that this application is in
condition for allowance. Reconsideration and prompt
allowance of this application are respectfully requested.

Respectfully submitted,



Philip R. Poh
Reg. No. 51,176
Agent for Applicants
FISH & NEAVE
Customer No. 1473
1251 Avenue of the Americas
New York, New York 10020-1104
Tel.: (212) 596-9000